

In the Nick of Time

Linda W. bought her own house in 1994 as a young, single mother with two children, but she doubted her credit strength, so she asked her parents to secure the deed and mortgage. She never imagined what might happen when they both died without wills.

[See page 3 for full story]

WHAT IS HEIRS' PROPERTY?

Most heirs' property in the Lowcountry is land that was either purchased by or deeded to African Americans after emancipation. Much of this land has been passed down through

This unstable form of ownership puts heirs' property at high risk for loss because any heir can sell his/her percentage of ownership to another who can force a sale of the entire property.

the generations without the benefit of a will so that the land is owned in common by all of the heirs, regardless of whether they live on the land, pay the taxes or have ever set foot on the land.

A Note From Jennie

Resolving heirs' property issues increases land-use value and opportunity



Normally, land is a wealth building asset; however, the ownership form known as heirs' property does not allow families to put their land to use—to obtain a mortgage or a grant for housing repairs; to farm it or to forest it—to name a few.

Heirs' property owners often come to the Center because they CAN'T do "something" with their land. Since its inception, the Center has successfully resolved title issues to 202 acres which resulted in families retaining possession of the land with a tax assessed value of \$4.6 million.

With title issues resolved, these families CAN make use of their land and help themselves improve their financial stability and move out of poverty.

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To find out more about the Center
go to www.heirsproperty.org.

Because of your generous support

...the Center successfully
resolved

title issues to **202 acres**

with a tax assessed value of

\$4.6 million.



In the Nick of Time

to ensure that her interest would not become an heirs' property interest.

Deciding to make that first call to the Center had made her a little anxious.

"I didn't know what I was expecting, but going in and talking to Mr. Josh was easier than I thought it might be. It was relaxing and not so hard."

The Center is helping her family with three properties — hers and two others, which will be divided among her siblings. She grew up the middle child — the mediator — between three brothers and two sisters. Now, the Center is mediating for her.

Her own two children will not have the "close call" she had. Linda has already talked with them and Attorney Walden is helping her draft a will. "That's a good thing," she said.

Linda can hardly wait to have her home in her own name. "That will be great," she said in her soft-spoken way, but the beaming smile on her face says even more.

We can help you, too.
Call us at: (843) 734-7055.

Rural Resource Coalition SC — Grassroots on a grand scale

Growing economies through
stronger communities

In 2005, the Center for Heirs' Property Preservation joined a diverse group of for-profit and non-profit organizations, state agencies and community groups to form the Rural Resource Coalition SC to capitalize on South Carolina's human and natural resources in order to improve the quality of life for all her citizens by promoting sustainable economic development in rural communities and wise stewardship of her land and water.

Today, the Coalition includes scores of participants representing the interests of hundreds of thousands of South Carolinians and billions of dollars of economic impact. They believe in spurring wealth creation from within rural communities by promoting local food markets, conservation of working farms and forests, clearing title to heirs' property and empowering landowners, agricultural and cultural-based tourism, affordable housing, homegrown renewable energy and downstream markets for value-added agricultural and forestry products.

Add your value
Add your voice
at www.ruralrc.org.

Even though I made all the payments, my name was not on the deed to my house. I thought my parents' credit line was better than mine so they secured the deed and mortgage."

Eighteen years later, with both parents deceased without Wills, the bank told Linda she had to get her name on the deed. That's when she heard Carolyn Murray talk about heirs' property on WCBD-TV's. "I didn't think that the Center could help me," she said. "I thought that it had to be years and years for it to be heirs' property."

Now she understands that all it takes is one generation passing without a will and no one probating the estate within the required ten years. Luckily, she did exactly the right thing to prevent her home from becoming heirs' property. She came into the Center within ten years of her mother's passing and got the help to probate her mother's estate

You are invited to give! **BUT...why is it important to give?**

One of our clients said it best in a letter to our Attorney Josh Walden...

Greetings and sincere well wishes to you, Attorney Walden, and to your staff, and to your wonderful organization. Prior to 2008, I had repeatedly found myself in despair and was rather hopeless about how to handle the loss of my mother, and the consequences of her death without a will. Again and again, my efforts to obtain legal help were met with conflicting, confusing information and demands for huge legal fees which I could not afford. But, my mother must have known there was a better way to resolve this matter, and I'm sure her spirit helped me find the Heirs' Center.

And you have indeed been a Godsend. Ever since our first contact, we have felt comforted, informed and assisted with kindness. You have always made every aspect of this case understandable to me and you have gone the extra mile to help me. And, very importantly, Attorney Walden, you have done it all while being very professional, and also very kind, thoughtful, accessible and respectful.

There's absolutely no question that the Heirs' Center provides a unique and invaluable service to many here. And it's absolutely no question that you, Attorney Walden, are invaluable and very much appreciated by me and my family. Again, thanks so much for everything and for you.

Please help us continue this valuable work.

Thank You!

For your convenience, please use the enclosed envelope for your gift,
or go online: www.heirsproperty.org

A Matter of Enormous THANKS!

The generous donors listed below help the Center continue its work of helping heirs' property owners obtain clear title to their family land and keep it. Their gifts were received between September 1, 2011 and August 31, 2012. Please let us know if there are any errors or omissions to this list and grant us your forgiveness.

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2013 "Commitment to Justice" Award Will Honor Dr. Theodore S. Stern

On Thursday, March 7, 2013, the Center for Heirs' Property Preservation will host a reception at the Charleston Marriott to honor Dr. Theodore S. Stern with its "Commitment to Justice" Award for his exceptional humanitarianism and passionate pursuit of justice for all.

Dr. Stern arrived in Charleston in 1964, a 14-year career Navy man, to serve as Chief Commander of Naval Supplies at the Naval Base. He soon became president of the College of Charleston,

Co-founder of the Spoleto Festival in Charleston and the Coastal Community Foundation, which was the incubator for the heirs' project which eventually became the Center for Heirs' Property Preservation. So, the Center is heir to Dr. Stern's legacy of creating a local community foundation.

As the Honorable Fritz Hollings once said, "Everything Ted Stern touched in Charleston turned to gold." With Dr. Stern turning 100 years young on December 19th, let's make March 7th a golden celebration of Dr. Stern's "can-do" spirit that helped build so many important institutions that continue to enrich our community today.

Your participation will help the Center provide education and direct legal services to low-income owners of heirs' property to help them obtain clear title and keep their family land.

Host Committee Co-Chairs:
Honorable Lucille S. Whipper and
William G. Medich.

Host Committee:
Charles J. Baker, III, Henry J. Blackford, III, Dr. Sue Sommer-Kresse, Greg Padgett, William Saunders, Dr. Maxine Smith, Charles S. Way, Jr. and J. Rutledge Young, Jr.

Pitch Perfect Partnership

On Saturday, September 22nd, the Center presented the CSO Gospel Choir led by Dr. Isaiah R. McFee in a benefit concert – "THE MYTH – 40 Acres and a Mule" at the Calvary Baptist Church to an enthusiastic crowd.

A poignant narration interwoven with select gospel songs told the epic story of African American land preservation from the broken promise of land given at the close of the Civil War to the struggle to scrimp and save to buy land and hold on to it today.

Thanks to the CSO Gospel Choir, Calvary Baptist Church and our generous sponsors:

Acree's Auto Body & Paint Shop, Inc.,
Charleston Alumni Chapter of Oglethorpe University, Concerned Citizens of the Sea Islands, Honorable Robin C. Duke, Susan K. Dunn, Tish Lynn, S.C. Association of CPAs and The Maryck Estate, LLC.

Giving is made easy online at: www.heirsproperty.org or by sending your gift in the donation envelope enclosed. Please include your e-mail address on the envelope. To keep up with all that we are doing, "friend" us on FACEBOOK too!

SAVE-THE-DATE:

Thursday, March 7, 2013

Charleston Marriott
Crystal Ballroom

(170 Lockwood Blvd.)
from 5:30-8:00 p.m.

Call Tish Lynn to become a
sponsor and Jacqueline Wilson to
reserve your individual tickets
(\$100 each)
at: (843)745-7055.

In Brief

by Josh E. Walden

We know we have heirs'
property, but...

WHO ARE THE HEIRS?



Building the Family Tree

The question of who are the heirs is one that is often misunderstood by the families who face the difficulties of dealing with heirs' property. Heirs are determined by the law not by their popularity or respect in the family or — whether they “deserve” to be an heir or not. For the purposes of resolving heirs' property issues, ALL heirs have to be identified and included in the resolution. Lawful heirs can't be left out for any reason.

Who is a legal heir?

The first step in determining heirs is to gather the relevant family tree information. This collection process can take some time and its success depends largely on the willingness of the family to do the work.

When there is no will, the “heirs” are determined by the applicable law at the time of the interest holder's death, whether that person was the original landowner or his/her descendant(s).

The following examples address two specific questions clients have about who inherits and who does not.

A legally adopted child is an heir and has the same legal rights as a child born to the parents. A final adoption decree (court order) issued by a court is proof of an adoption.

Children “raised” by the deceased but never adopted cannot share in the estate if the person died without a will. Merely using the deceased person's last name does not entitle you to inherit as an heir of the estate.

Under current South Carolina law, children born out of wedlock (sometimes called “outside children”) can be legal heirs and may inherit from a mother or a father who died without leaving a will.

When determining the ownership rights of heirs over the course of many generations, the assistance of an attorney is invaluable.

“Heirs are determined by the law
not by their popularity.”

Resolving Heirs' Property Ownership Is A Journey From **Can't** To **CAN!**



Owning heirs' property often means that **YOU CAN'T**:

- prove ownership because the deed to the land is in someone else's name;
- obtain a mortgage or loan on the land;
- obtain public financing to renovate or build a house on the land or make other improvements to the land;
- obtain agreement on what to do with the family land;
- know what is going on with your land because family members may not talk about problems until it's too late;
- legally make a profit from the land without sharing that profit with all of the heirs;

- receive insurance payments on damaged heirs' property (hurricane, fire, flood, tornado) — **EVEN** if you have insurance;
- stop the number of heirs from growing with each passing generation, or
- develop your land into the financial asset that it should be for your family until title is cleared.

Many heirs' property owners call the Center when they become aware of one or more of these **CAN'Ts**. With approximately 44,000 acres of heirs' property left in our service area, we hope to turn their **CAN'T** situations into **CANs** with titles cleared and families finally able to benefit from what they **CAN DO** with their historic legacy of land.

HP 102 Seminar

On Saturday, September 22nd, the Center conducted an HP 102 Seminar: "Making Your Land Work for You" to provide education and guidance to families with clear titles to their land to explore options for realizing the full economic benefit of their unencumbered property.

Our thanks to the Coastal Community Foundation for the use of their beautiful facility and to our panel of experts:

Ownership Options and Tax Implications:

Theris Alexander, Black Family Land Trust
Martha Crab-Emig, Goldstone & Co, LLC, CPA

Forestry:

Steve Moore, SC Wildlife Federation
Alex Singleton, NWV
Tiffany Williams, National Wildlife Federation

Financing Options:

Patrick King, Lowcountry Housing Trust
Angel Sims, USMA Natural Resource
Conservation Service

A Family's Story:

Bertie Marzick, Marzick Estate, LLC &
SC Assn. of Community Development Corps.

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**'Tis ALWAYS the season to Give Thanks
to YOU...our volunteers!**

Without YOU we couldn't conduct our free Wills Clinics, attend the many regional festivals with information tables, organize our outreach and fundraising events and community-wide presentations.

Who are you? Charleston School of Law students, volunteer attorneys, board and advisory committee members, friends and supporters from across our six county service area. Here are just a few of you...



Left: Colleton County Bar Ass'n's volunteers (L to R) George Coss, Josh Wilkins (Greater Ansonville), Sabrina Williams, Kelvin Wright, Bert Duffie, Bobby Smith and Maggie Bright Matthews.



Right: Table Captains at the SC Bar Preservation CLK and Food Profit Breakfast -- Attorneys Debra Allison, Maggie Passero and Katie Moore (also our Board Member) with Jontae (Table Captain not pictured) -- Kim Steiner.

THANK YOU! Lenoxy Hill Regional Convention Center for hosting the Center's successful FREE Wills Clinic in St. George and all of the **VOLUNTEER ATTORNEYS** from Gardner, Virginia Hill, W. Bennett, Vaughan, Alyson Padgett, Maria Thomas, Natalie Powell and Ashlee Staehelin and Clark Charlene Allen, and **CHARLESTON SCHOOL OF LAW** students: Jim Cunningham, Myles Hield, Olivia Palmer, Jan Corcoran, Caroline DeChard, Jilisa Moore, Craig Holt, John and Vanessa DeLong.

